

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHARLIE BILL BEAMON,

Plaintiff,

Case No. 4:05-cv-5

v

Hon. Wendell A. Miles

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION

Plaintiff Charlie Bill Beamon brought this action challenging the decision of the Commissioner of Social Security (“the Commissioner”) denying his claim for disability insurance benefits under Title II of the Social Security Act. On December 15, 2005, United States Magistrate Judge Ellen S. Carmody issued a Report and Recommendation (“R & R”) recommending that the Commissioner’s decision be reversed and that the matter be remanded for further factual findings pursuant to sentence four of 42 U.S.C. § 405(g). On December 22, 2005, plaintiff filed a response to the R & R (doc. no. 12). Plaintiff’s response does not identify any specific objections to the R & R. Instead, plaintiff’s response includes his discussion of new medical evidence, some of which he has appended to the response. The defendant has not filed objections to the R & R and has not replied to plaintiff’s submission.

The court, having reviewed the R & R filed by the United States Magistrate Judge in this

action, and having reviewed the new medical evidence submitted by plaintiff, concludes that this evidence was not part of the administrative record because the evidence is dated after the action was filed in this court. IT IS THEREFORE ORDERED that the R & R is adopted by this court and that this matter is REMANDED to the Secretary of Health and Human Services pursuant to sentence four of 42 U.S.C. § 405(g).

Entered this 9th day of February, 2006.

/s/ Wendell A. Miles  
Wendell A. Miles  
Senior U.S. District Judge